

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CV 2013-001476

07/15/2014

HON. RANDALL H. WARNER

CLERK OF THE COURT
K. Ballard
Deputy

CODY ALLAN CLARK, et al.

MATTHEW B CUNNINGHAM

v.

JOSEPH PAUL SPANO, et al.

JOEL D DECIANCIO

ERIC C ANDERSON
JOHN M DICARO
DARRELL S DUDZIK
MYLES P HASSETT
KATHLEEN L WIENEKE

RULING

Before the court and fully briefed is the City's May 22, 2014 Motion to Compel Supplemental Witness Disclosures. Oral argument is unnecessary.

Plaintiff Clark's witness disclosures regarding Ashley Clanton and Mike Tysver are sufficient if, as Plaintiff Clark says, those witnesses will only be providing damages testimony. If the witnesses are going to provide testimony regarding the accident, then more extensive disclosure is required. The City is correct, however, that Plaintiff Clark must disclose Ashley Clanton and Mike Tysver under Rule 26.1(a)(5) as persons with knowledge of Plaintiff Clark's pre-accident activities, even if he does not intend to call them as witnesses on that subject.

Regarding Plaintiff Tysver's healthcare providers, Rule 26.1(a)(3) requires disclosure of witnesses the disclosing party "expects to call at trial." It is fair to require Plaintiff Tysver to distinguish those healthcare providers he "expects to call" (i.e. those who are likely to be called

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as witnesses) from those who he probably will not call but is disclosing in an abundance of caution.

The substance of Plaintiff Tysver's healthcare witness disclosure is sufficient.

IT IS ORDERED granting the Motion in part as follows:

1. Plaintiff Clark shall disclose Ashley Clanton and Mike Tysver under Rule 26.1(a)(5) as persons with knowledge no later than **August 15, 2014**.

2. Plaintiff Tysver shall disclose no later than **August 15, 2014** which of the 100+ healthcare providers he has disclosed are likely to be called as witnesses at trial.

IT IS FURTHER ORDERED denying attorneys' fees.

Also before the court is the City's May 22, 2014 Motion to Compel Supplemental Responses to Written Discovery. Oral argument is unnecessary. The court rules as follows regarding the following discovery requests.

1. **Non-Uniform Interrogatory No. 1.** The answer as supplemented is sufficient.
2. **Non-Uniform Interrogatory No. 2.** The answer as supplemented is sufficient.
3. **Non-Uniform Interrogatory No. 3.** The answer as supplemented is sufficient.
4. **Non-Uniform Interrogatory No. 4.** The answer as supplemented is sufficient.
5. **Non-Uniform Interrogatory No. 19.** The answer as supplemented is sufficient.
6. **Uniform Interrogatory No. 5.** The answer is sufficient.
7. **Non-Uniform Interrogatory No. 20.** Plaintiffs shall provide a response no later than **August 15, 2014** as to each "witness to the accident," meaning persons who actually witnessed the accident.
8. **Request for Production No. 1.** Plaintiffs shall disclose in digital or paper form the entire contents of their Facebook accounts no later than **August 15, 2014**.

The court will not rule on issues raised for the first time in Reply.

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IT IS ORDERED granting the Motion in part as set forth above.

IT IS FURTHER ORDERED denying attorneys' fees.